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Elimination of coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General

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I. Introduction

1. On 27 November 1996, the General Assembly adopted resolution 51/22, entitled "Elimination of coercive economic measures as a means of political and economic compulsion", in which it requested the Secretary-General to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law, and to submit it to the Assembly at its fifty-second session.

2. Pursuant to that request, by a note to Member States dated 10 March 1997, the Secretary-General invited Governments to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments that had been received as at 11 September 1997. Further replies will be reproduced as addenda to the present report.

II. Replies received from Governments

Belgium

[Original: French]

[12 June 1997]

Belgium, like its partners in the European Union, is opposed to the extraterritorial application of national legislation, more particularly the unilateral imposition of commercial measures, especially sanctions. The European Union confirmed this position in its explanation of vote when the General Assembly voted on resolution 51/22, entitled "Elimination of coercive economic measures as a means of political and economic compulsion" on 27 November 1996.

Islamic Republic of Iran

[Original: English]

[11 August 1997]

1. The Islamic Republic of Iran believes that the adoption by the General Assembly of resolution 51/22, entitled "Elimination of coercive economic measures as a means of political and economic compulsion", is a timely initiative which aims to address thoroughly the issues of unilateral and extraterritorial measures in a comprehensive and objective fashion.

2. The exercise of power through the application of illegal means such as unilateral actions and the imposition of coercive economic measures against other countries in order to achieve unjustifiable objectives is the prominent example of an emerging unilateralism that is extremely arrogant and self-centred, that feeds on hegemony and expansionism and that entails serious interference in the internal affairs of other countries to the point of sabotage and subversion.

3. Impermissibility of unilateral sanctions under international law is commonly recognized by the international community. Unilateral actions and extraterritorial application of domestic laws seriously menace the international community's efforts towards cooperation in various areas of peace and security, development and environment. Undertaking such measures goes against not only the purposes and principles of the Charter of the United Nations and international law, but also against the provisions of a large number of United Nations resolutions and other relevant international agreements.

4. The spirit and letter of such resolutions and international agreements emphasize particularly that States should refrain from interference and intervention in the internal affairs of other countries and from any attempt to impose their policies on them. According to those resolutions, unilateral coercive measures violate the principles of non-intervention, non-interference in the internal and external affairs of other States and the exercise of the sovereign right of States. In that regard, both the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (resolution 2131 (XX)), adopted by the General Assembly on 21 December 1965, and the Charter of Economic Rights and Duties of States (resolution 3281 (XXIX)), adopted on 12 December 1974, stipulate that "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights".

5. Furthermore, the General Assembly has denounced, on various occasions, unilateral economic coercion as a means of achieving political goals. Assembly resolutions 48/168 of 21 December 1993 and 50/96 of 20 December 1995, entitled "Economic measures as a means of political and economic coercion against developing countries" are two in a series of United Nations reactions to such unlawful actions.

6. Similar positions were adopted at the Conference of Foreign Ministers of the Organization of the Islamic Conference at its twenty-fourth session in December 1996 (A/51/774-S/1997/45) and by the Ministers for Foreign Affairs of both the Movement of Non-Aligned Countries at its Twelfth Ministerial Conference in April 1997 (A/51/912-S/1997/406, annex) and the Group of 77 and China at their twentieth annual meeting in September 1996 (A/51/471, annex). Consideration of this very issue in all recent major international conferences and summits is a manifestation of the international concern about the multidimensional character of unilateral coercive economic measures which adversely affect all countries and the world economy as a whole.

7. International jurisprudence against such coercive measures provides a solid base for the Organization to offset the exercise of unilateral sanctions by individual States. The imposition of coercive economic measures and the adoption of domestic laws for the horizontal escalation of such actions with extraterritorial implications also contradict the established rules and regulations of international trade law, including those under the World Trade Organization. Therefore, unilateral coercive economic measures undermine the authority and credibility of those organizations that are legitimately concerned about this trend in the conduct of international relations.

8. The United States of America has imposed various forms of economic coercive measures against many countries. Statistics indicate that the United States resorts to such unilateral measures more than any other State by a wide margin. Such unilateral measures by the United States have already assumed dangerous dimensions. The enactment by the United States of new laws that contravene the principle of territoriality of national laws significantly affects the sovereignty of other States and the legitimate interests of companies and persons falling under their jurisdiction. Recent unilateral sanctions by the United States against third parties investing in or doing business with Cuba, the Libyan Arab Republic and the Islamic Republic of Iran are the most vivid cases in this category.

9. The Islamic Republic of Iran calls upon the international community not only to counter unilateral coercive economic measures, but also to cooperate in alleviating their negative impacts on the targeted countries.

Iraq

[Original: Arabic]

[5 May 1997]

1. Pursuant to General Assembly resolution 51/22, entitled "Elimination of coercive economic measures as a means of political and economic compulsion" the Republic of Iraq affirms its condemnation of any measures taken with a view to depriving States of their inalienable right to choose their political, economic and social systems.

2. The threat or use of coercive economic measures constitutes a flagrant violation of the principles of the Charter of the United Nations and international law, in particular of Article 2, paragraph 1, of the Charter, which states, "The Organization is based on the principle of the sovereign equality of all its Members".

3. Such measures also constitute a flagrant violation of General Assembly resolution 2625 (XXV), adopted on 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations" which states: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law." The resolution further states: "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind."

4. General Assembly resolution 51/22, which reaffirms the inalienable right of every State to economic and social development and to choose its political, economic and social system, was prompted by the Organization's concern to establish the rights of peoples as embodied in the Charter of the United Nations and international law, and with a view to realizing the goals of the Organization with regard to establishing conditions for international peace and security.

5. The coercive measures taken by some States, both individually and collectively, constitute a real threat to international peace and security and a flagrant violation of human rights principles.

6. The international community, as represented by the United Nations, must increase the resolute and effective measures it takes with a view to dissuading States from

taking such action and in order to block any attempts by them to apply pressure on the United Nations or any multilateral body, or to use them as a means to legitimize such practices, which conflict with the provisions and precepts of international law.

7. The first victims of such practices are the vulnerable sectors of the population, such as children, women and the elderly. The serious humanitarian suffering of the population of Iraq, which has been confirmed by the reports of United Nations agencies and missions, is a result of the insistence of the United States of America on subjecting the Iraqi people to the most offensive forms of those coercive measures. This is demonstrated by the continuation of the complete economic embargo imposed on Iraq, and the Iraqi people's consequent deprivation of the most basic humanitarian requirements. These effects are tangible and living proof of the great danger inherent in taking such measures.

8. The destinies of peoples and their basic human rights should in no way be used as a tool to be exploited by some international Powers for purposes of political extortion and economic coercion. If such policies, from which many peoples in the world are suffering, are allowed to continue, the political foundations of the United Nations will be destroyed, together with the principles of human rights, foremost among them the right to live in freedom and dignity.

San Marino

[Original: English]

[27 May 1997]

The Permanent Mission of the Republic of San Marino to the United Nations has the honour to inform the Secretary-General of the United Nations that the Republic of San Marino does not have any laws regarding the above-mentioned question and has never applied such measures or sanctions.